



Hogan Lovells US LLP  
875 Third Avenue  
New York, NY 10022  
T +1 212 918 3000  
F +1 212 918 3100  
[www.hoganlovells.com](http://www.hoganlovells.com)

December 10, 2018

**By Electronic Case Filing (ECF)**

The Honorable Arlene R. Lindsay  
United States District Court, Eastern District of New York  
814 Federal Plaza  
Central Islip, New York 11722

**Re: *MHANY Mgmt. Inc. et al. v. County of Nassau et al., No. 05-cv-2301 (ADS) (ARL)***

Dear Judge Lindsay:

We are in receipt of the Court's Order (ECF No. 611) (the "Order") resolving Plaintiffs' motions for attorneys' fees and costs. We appreciate the Court's thorough review of the parties' submissions. However, our initial review of the Order suggests that the Court may have made a few minor errors in its calculations and unintentionally awarded Plaintiffs slightly more in fees and costs than the Court intended. We are attaching an exhibit (Exhibit A hereto) which identifies the errors that we have identified, and explains the error with citations to the relevant pages of the motions papers and the Order. Based on our review, it appears that: (1) Plaintiffs were awarded \$66.50 more in fees than the Court intended; and (2) the Court inadvertently double-counted one items of costs, resulting in an award of costs that is \$17,785.88 more than the Court intended. As a result, to correct these errors, we believe the Court's award for fees and costs together should be reduced by a total of **\$17,852.38**.

If the Court agrees with our observations, Plaintiffs respectfully request that the Court enter a revised order awarding Plaintiffs **\$5,255,098.97** in fees and costs (*i.e.*, the current final award of \$5,272,951.35, less the \$17,852.38 figure mentioned above). We thank the Court for its consideration.

Respectfully submitted,

/s/ Stanley J. Brown /

Stanley J. Brown

[stanley.brown@hoganlovells.com](mailto:stanley.brown@hoganlovells.com)  
D (212) 918-3692

cc: All counsel of record (via ECF)

**Exhibit A**

<u>Fees</u>				
Timekeeper	Hours Requested	Hours Awarded	Other issues	Net Effect on Fee Award
Mobassaleh	220.25 (2014 Fleming Decl. at 6 - ECF No. 464)	222.25 (Order at 23)		\$600 too high
Reed	268.75 (2014 Fleming Decl. at 7 - ECF No. 464) + 197.40 (2018 Fleming Decl. at 5 - ECF No. 593) = 466.15	465.75 (Order at 24)		\$120 too low
Silverstein			Discrepancy in math: 53.4 hours x \$325/hr = \$17,355.00, not \$17,225 as awarded. (Order at 28)	\$130 too low
Brewington	394.4 (2014 Fleming Decl. at 8 - ECF No. 464) + 89.70 (2018 Brewington Decl. at 5 - ECF No. 585) -29.87 (time spent on County) (Order at 29) = 454.23	453.60 (Order at 29)		\$283.50 too low
				<b>Fees Subtotal:</b> <i>\$66.50 too high</i>

<u>Costs</u>		
Cost Type	Issue	Net Effect on Cost Award
Mediation fees	Court appears to have double-counted mediation fees. (Order at 52)	\$11,785.88 too high
Research costs	Plaintiffs' initial request for \$28,826.26 contained a typo; the backup only supported a request for \$22,826.26. (2014 Memorandum in Support of Motion at 19 - ECF No. 439; 2014 Brown Decl. at 21 - ECF. No. 440)	\$6,000 too high.
		<b>Costs Subtotal:</b> <i>\$17,785.88 too high</i>
		<b>Total Effect on Award:</b> <i>\$17,852.38 too high</i>